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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/627,270 04/04/96 TOJO

H SKO-104-A-1

EXAMINER

QM12/0912

CARRIER, BLACKMAN & ASSOCIATES  
24101 NOVI ROAD  
SUITE 100  
NOVI MI 48375-3248

ART UNIT/HULS, PAPER NUMBER

23

DATE MAILED: 07/26

09/12/00

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/19/00

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 14-16, 19, 20, 26, 27, 30-33 & 37-42 is/are pending in the application.

Of the above, claim(s) 14-16, 19 & 34-36 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 20, 26, 27, 30-33 & 37-42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3726

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The rejections of claims 20, 26, 27, 30-33 and 37-42, as set forth in paragraphs 3-5 of Paper No. 21 and mailed March 15, 2000 are maintained.

3. Applicant's arguments filed June 19, 2000 have been fully considered but they are not persuasive. Applicants argue that Swidler teaches away from using process during assembly processes. Swidler's statement in column 1, lines 11-15, specifically mentions problems of protecting the finish during the assembly process. Clearly Swidler had in mind problems of damage to the finish during assembly. Further, there is nothing in the disclosure indicating his process is unacceptable for protecting the finish during assembly. It seems reasonable that Swidler would focus on protection after assembly because assembly is presumed to take considerably less time than delivery and thus there is more opportunity for damage to the finish during assembly.

Applicants' argument that Swidler's statement that covering the vehicles with plastic or canvas is prohibitively expensive for mass shipments or typical driving is a statement that limits the use of his coatings to times after assembly is not persuasive. The statement merely points out a problem <sup>with</sup> canvas or plastic coverings. There is nothing in the statement that indicates the coating can't be used during assembly.

The arguments pertaining to the rejection of limitations being obvious matters of engineering choice are not persuasive. The disclosure related to these limitations fails to teach

Art Unit: 3726

that these limitations cause any new or unexpected results. In the absence of such disclosure the limitations are considered to have been obvious engineering choices chosen from known alternatives.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P.W. Echols whose telephone number is (703) 308-1802.



pwe  
September 9, 2000

**P.W. Echols**  
**Primary Examiner**